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VINSON & ELKINS L.L.P. 1001 FANNIN STREET 2300 FIRST CITY TOWER HOUSTON, TX 77002-6760			EXAMINER FERNANDES, CHERYL M	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/035,707

Applicant(s)

HAYS ET AL.

Examiner

Cheryl M. Fernandes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25,27-44 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25,27-44 and 46-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the Request for Continued Examination filed September 19, 2005. Claims 25, 27-44, and 46-48 are pending. Claims 25, 28, 29, 33, 34, 36, 39, 41, and 44 are amended. Claim 45 is cancelled.

### ***Response to Arguments***

2. Referring to the objections to claims 26 and 45, Applicant's cancellation of the claims render the objections moot.

3. Referring to the 35 USC 112 second paragraph rejection of claims 36-43, Applicant's amendment of claim 36 is acknowledged. As such, the 35 USC 112 second paragraph rejection of the claims is withdrawn. However, the claims as amended now raise new 35 USC 112 issues.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 25, 27-44, and 46-48 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for security services and security officers (see Abstract and Summary of instant specification), does not reasonably provide enablement for private security services or at least one private security officer. The specification does not enable any person skilled in the art to which it pertains, or

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with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

Due to the 35 USC 112 rejections, the claims have treated on their merits as best understood by the examiner.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 25, 27, 29, 34-41, and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,449,611 issued to Frankel et al (hereafter Frankel), and further in view of US Patent Number 6,067,007 issued to Gioia.

Referring to claim 25, Frankel discloses a method of providing security services (Abstract) comprising:

- providing at least one security officer at a client location ('law enforcement agency' clients, col. 11, lines 6-12; 'posting user', Fig. 1, element 26; col. 6, lines 16-20 and 31-35, Fig. 1, element 30);

- maintaining a database of information which relates to security services ('database for missing/stolen items and missing persons/fugitives', Abstract) provided for at least one client ('posting' and 'inquiring' users, Fig. 1, elements 26 and 40; col. 6, lines 16-21; 'insurance company' client, col. 10, lines 43- 52, Fig. 7), wherein the database is stored on a computer at a first location that is capable of data communication, using the Internet ('Internet computer connection', see claim 1 of Frankel), with at least one security officer computer installed at a client location ('law enforcement agency' clients, col. 11, lines 6-10; 'posting user', Fig. 1, element 26) that is remote from the first location (see claim 1 of Frankel), and maintaining the database comprises:
  - o receiving security data from the at least one security officer computer, via the Internet ('Internet computer connection', see claim 1 of Frankel; Fig. 1, elements 20-30, col. 6, lines 1-45; col. 11, lines 6-12, Fig. 7, element 514), wherein the security data is entered into the at least one security officer computer by the security officer providing security services at the client location (col. 11, lines 6-12; col. 6, lines 16-20 and 31-35, Fig. 1, element 30), and the security data corresponds with at least one security related event occurring at the client location ('missing/stolen assets', Fig. 7, element 514; 'missing goods', col. 6, lines 16-20);
  - o updating the database with at least a portion of the security data received from the security officer computer (col. 11, lines 6-12; col. 6, lines 45-67, Fig. 1, elements 34, 36, and 50; col. 9, lines 6-9); and

- hosting the database so that at least a portion of the information stored therein is Internet accessible by the at least one client ('worldwide web portal site', Abstract; Fig. 1, element 20; col. 2, lines 65-67), wherein the at least one client accesses the information in the database by providing an authorization code to a website that permits restricted access to at least a subset of the information stored in the database (client 'register/log in' option, Fig. 1, element 22, col. 6, lines 9-16).

However, while Frankel teaches all of the above claimed subject matter, it remains silent as to providing *private* security services.

However, Gioia teaches analogous art that includes providing vehicle theft detection and monitoring services through a private security services firm (see Abstract; col. 1, line 51 – col. 2, line 3; col. 4, lines 1-3; 'monitoring station', Fig. 1, element 14).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Frankel to include providing *private* security services, as taught by Gioia.

The ordinary skilled artisan would have been motivated to modify Frankel per the above for the purpose of hiring security service firms that are specialized to a specific area of expertise (e.g. vehicle theft or home theft) rather than security service firms that cater to a broader scope of services.

Referring to claim 44, the limitations of the claim are similar to the limitations of claim 25 above. Claim 44 is therefore rejected for the same reasons as claim 25.

Referring to claim 36, Frankel discloses a method of obtaining information related to security services (Abstract), comprising:

- accessing a database of information which relates to security services ('database for missing/stolen items and missing persons/fugitives', Abstract) provided for at least one client ('posting' and 'inquiring' users, Fig. 1, elements 26 and 40; col. 6, lines 16-21; 'insurance company' client, col. 10, lines 43- 52, Fig. 7), wherein the database is stored on a computer at a first location, that is capable of data communication, using the Internet ('Internet computer connection', see claim 1 of Frankel), with at least a second computer operating at a client location ('law enforcement agency' clients, col. 11, lines 6-10; 'posting user', Fig. 1, element 26) that is remote from the first location (see claim 1 of Frankel), and wherein the database of information comprises security data entered by at least one security officer providing security services for the client location and at least a portion of the security data is entered by the at least one security officer located at the client location (col. 11, lines 6-12; col. 6, lines 16-20 and 31-35, Fig. 1, element 30), the security data corresponding with at least one security related event occurring at the at least one client location ('missing/stolen assets', Fig. 7, element 514; 'missing goods', col. 6, lines 16-20), wherein accessing the database of information comprises:

- navigating a web browser operating on the second computer to a website that is in data communication with the database ('worldwide web portal site', Abstract; Fig. 1, element 20; col. 2, lines 65-67);
- providing an authorization code that permits access to at least a portion of the database (client 'register/log in' option, Fig. 1, element 22, col. 6, lines 9-16);
- entering a request for information (Fig. 1, elements 24 and 40, col. 6, lines 1-31); and
- receiving, at the second computer, at least a portion of the information associated with the request for data (col. 4, lines 18-20; col. 7, lines 1-18; Fig. 2, col. 7, line 19- col. 8, line 47; col. 11, lines 6-15).

However, while Frankel teaches all of the above claimed subject matter, it remains silent as to providing *private* security services.

However, Gioia teaches analogous art that includes providing vehicle theft detection and monitoring services through a private security services firm (see Abstract; col. 1, line 51 – col. 2, line 3; col. 4, lines 1-3; 'monitoring station', Fig. 1, element 14).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Frankel to include providing *private* security services, as taught by Gioia.

The ordinary skilled artisan would have been motivated to modify Frankel per the above for the purpose of hiring security service firms that are specialized to a specific

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area of expertise (e.g. vehicle theft or home theft) rather than security service firms that cater to a broader scope of services.

Referring to claims 27 and 46, the combination of Frankel/Gioia discloses that receiving security data from the at least one security officer computer comprises receiving security data from a plurality of client locations, each remote from the first location, wherein each client location comprises at least one security officer computer (Frankel, 'posting' and 'inquiring' users are remote from the database, see claim 1 of Frankel; clients remote to the database log into the database over the Internet, col. 6, lines 1-50; law enforcement agencies (posting clients) post reports, col. 11, lines 1-11).

Referring to claim 29, the combination of Frankel/Gioia discloses receiving an email message comprising the security data (Frankel, col. 10, lines 59-66).

Referring to claims 34 and 43, the combination of Frankel/Gioia discloses submitting and receiving security data that comprises at least one of text files, visual images, video and audio data (Frankel, visual images and audio data, col. 6, lines 41-43).

Referring to claim 35, the combination of Frankel/Gioia discloses sending a signal, via the Internet, to the at least one security officer computer in response to the

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security data entered by the at least one security officer (Frankel, col. 8, lines 48-57; col. 9, lines 18-29).

Referring to claim 37, the combination of Frankel/Gioia discloses that the database comprises security data from a plurality of client locations, and entering a request for information comprises entering a request for information related to at least one of the plurality of client locations (Frankel, plurality of users- posting and inquiring, see Fig. 1; col. 6, line 1 – col. 7, line 18).

Referring to claim 38, the combination of Frankel/Gioia discloses that the authorization code is pre-assigned to a subset of information stored in the database, and providing the authorization code permits access only to the subset of information (Frankel, see Fig. 1, wherein the log-in provides users access as posting or inquiring users).

Referring to claims 39 and 40, the combination of Frankel/Gioia discloses sending a signal, via the Internet, to at least one security officer providing security services at a client location in response to the requested information received at the second computer, wherein sending the signal to the at least one security officer comprises sending a request to the at least one security officer for data related to at least one security event that occurred at a client location (Frankel, search inquiry, Fig. 1, elements 24 and 40; col. 6, line 67- col. 7, line 18).

Referring to claim 41, the combination of Frankel/Gioia discloses that the database comprises a plurality of daily activity reports submitted by the at least one security officer providing private security services at the at least one client location, and entering a request for information comprises requesting at least a portion of the information from at least one of the plurality of daily activity reports (Frankel, col. 11, lines 6-17).

6. Claims 28 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankel, in view of Gioia, as applied to claims 25 and 44 above, and further in view of US Patent Number 6,173,284 B1 issued to Brown.

Referring to claims 28 and 47, the combination of Frankel/Gioia discloses all of the above claimed subject matter and also discloses receiving the security data formatted as a police report, wherein the form of the standardized police report is accessible be the at least one security office via the Internet as a website that comprises predetermined data fields for entering the security data (Frankel, col. 11, lines 6-10; stolen asset information fields, col. 10, line 43 – col. 11, line 18; see Fig. 2, elements 28 and 30 for posting fields for missing goods, col. 6, lines 1-45).

However, while the combination of Frankel/Gioia discloses all of the above subject matter, and teaches a police report (Frankel, col. 11, lines 6-10), it fails to disclose a standardized daily activity report.

However, Brown teaches using a standardized daily activity report ('daily' frequency term from dropdown menu (Fig. 4, element 78).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combination of Frankel/Gioia to include a standardized daily activity report, as taught by Brown.

The ordinary skilled artisan would have been motivated to modify the combination of Frankel/Gioia per the above for the purpose of allowing a police officer to submit a search request in order to receive a report at a daily frequency term, thereby advantageously freeing the police officer from repetitively conducting the same searches time and time again and allows for real time search capabilities on an ongoing basis after the search request has been submitted once by the police officer (Brown, col. 7, line 64 – col. 8, line 14).

7. Claims 30-32, 42, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankel, in view of Gioia, as applied to claims 25, 36, and 44 above, and further in view of US Patent Number 4,847,791 issued to Martin et al (hereafter Martin).

Referring to claims 30 and 48, the combination of Frankel/Gioia discloses all of the above claimed subject matter and also discloses 'law enforcement agency' clients and entering data into a website accessible via the Internet (Frankel, col. 11, lines 6-10), it remains silent as to receiving clock-in data from at least one user that corresponds to a beginning of a work shift, receiving clock-out data from the at least one user that

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corresponds to an end of the work shift, wherein the user enters the clock-in data and the clock-out data into a website accessible via the Internet, and updating the database with the clock-in data and the clock-out data, wherein the clock-in data and the clock-out data is representative of a duration of the work shift.

However, Martin teaches receiving clock-in and clock-out data from at least one user that corresponds to a beginning and end of a work shift, wherein the user enters the clock-in data and the clock-out data (see claims 14-16 of Martin; Abstract; Fig. 3 and 4), and updating a database with the clock-in data and the clock-out data (Fig. 6a, element 136), wherein the clock-in data and the clock-out data is representative of a duration of the work shift (see claims 14-16 of Martin).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combination of Frankel/Gioia to include receiving clock-in and clock-out data from at least one user that corresponds to a beginning and end of a work shift, wherein the user enters the clock-in data and the clock-out data, and updating a database with the clock-in data and the clock-out data, wherein the clock-in data and the clock-out data is representative of a duration of the work shift, as taught by Martin.

The ordinary skilled artisan would have been motivated to modify the combination of Frankel/Gioia per the above for the purpose of enabling the use of a time-keeping system wherein employees' job hours, time spent on each job,

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accumulated job hours, and percentages of completions of jobs can be calculated (Martin, Abstract).

Referring to claim 42, the combination of Frankel/Gioia discloses all of the above claimed subject matter and also discloses that the database comprises data received from the at least one security officer providing security services at the at least one client location (Frankel, 'police report entered by law enforcement agency clients', col. 11, lines 6-12).

However, while the combination of Frankel/Gioia teaches all of the above, it remains silent as to a database comprising clock-in and clock-out data received by a user, the clock-in and clock-out data representative of a duration of a work shift of the user, and entering a request for information comprising requesting at least a portion of the clock-in data and the clock-out data received from the user.

However, Martin teach analogous art that includes a database comprising clock-in and clock-out data received by a user, the clock-in and clock-out data representative of a duration of a work shift of the user, and entering a request for information comprising requesting at least a portion of the clock-in data and the clock-out data received from the user (see claims 14-16 of Martin; Abstract; Fig. 3 and 4; Fig. 6a, element 136).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combination of Frankel/Gioia to include a database comprising clock-in and clock-out data received by a user, the clock-in and

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clock-out data representative of a duration of a work shift of the user, and entering a request for information comprising requesting at least a portion of the clock-in data and the clock-out data received from the user, as taught by Martin.

The ordinary skilled artisan would have been motivated to modify the combination of Frankel/Gioia per the above for the purpose of enabling the use of a time-keeping system wherein employees' job hours, time spent on each job, accumulated job hours, and percentages of completions of jobs can be calculated (Martin, Abstract).

Referring to claim 31, the combination of Frankel/Gioia/Martin discloses that the at least one security officer provides at least a portion of the clock-in data by logging in to the website (Martin, Fig. 6a, elements 100, 130, and 134; Frankel, Fig. 1, elements 20 and 22), the clock-in data comprising an identifier unique to each security officer (Martin, 'numerical employee number', Fig. 6a, element 104), and the at least one security officer provides at least a portion of the clock-out data by logging out of the website (Martin, Fig. 6a, elements 132 and 134).

Referring to claim 32, the combination of Frankel/Gioia/Martin discloses tracking which client location the at least one security officer is providing security services using data entered into the website by the security officer (Frankel, Fig. 1, element 50, col. 7, lines 5-15).

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frankel, in view of Gioia, in view of Martin, as applied to claim 30 above, in view of Brown, and further in view of US Publication Number 2003/0115023 by Nickerson et al (hereafter Nickerson).

Referring to claim 33, the combination of Frankel/Gioia/Martin discloses all of the above claimed subject matter and also discloses receiving the security data formatted as a report, wherein a form of the report is accessible by the at least one security officer via the Internet as a website that comprises at least one data field for entering the security data (Frankel, col. 11, lines 6-10; stolen asset information fields, col. 10, line 43 – col. 11, line 18; see Fig. 2, elements 28 and 30 for posting fields for missing goods, col. 6, lines 1-45) and receiving the log-out data (Martin, see claims 14-16; Fig. 6a, elements 132 and 134).

However, while the combination of Frankel/Gioia/Martin teaches the above claimed subject matter, it remains silent as to disclose a daily activity report, and configuring a website not to accept log-out data from a user until the daily activity report is submitted.

However, Brown teaches using a daily activity report ('daily' frequency term from dropdown menu (Fig. 4, element 78).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combination of Frankel/Gioia/Martin to include a daily activity report, as taught by Brown.

The ordinary skilled artisan would have been motivated to modify the combination of Frankel/Gioia/Martin per the above for the purpose of allowing a police officer to submit a search request in order to receive a report at a daily frequency term, thereby advantageously freeing the police officer from repetitively conducting the same searches time and time again and allows for real time search capabilities on an ongoing basis after the search request has been submitted once by the police officer (Brown, col. 7, line 64 – col. 8, line 14).

Still referring to claim 33, while the combination of Frankel/Gioia/Martin/Brown teaches all of the above claimed subject matter, it remains silent as to configuring a website not to accept log-out data from a user until a report is submitted.

However Nickerson teaches analogous art that includes configuring a website not to accept log-out data from a user until a report is submitted (Abstract; para. 6; see claims 1 and 14 of Nickerson).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the combination of Frankel/Gioia/Martin/Brown to include configuring a website not to accept log-out data from a user until a report is submitted, as taught by Nickerson.

The ordinary skilled artisan would have been motivated to modify the combination of Frankel/Gioia/Martin/Brown per the above for the purpose of allowing the owner of a website to access the submitted reports concerning a particular website (Nickerson, Abstract, para. 7).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M Fernandes who can be reached on (571) 272-4018. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMF  
January 21, 2006

  
**UYEN LE  
PRIMARY EXAMINER**